

REMARKS

Claims 1-8, 15-20, and 26-30 are pending.

Applicant respectfully requests that the finality of the office action be withdrawn. The only amendment to claim 1 was to change the word "components" to "devices."

The Examiner has rejected claims 1-8, 15-20, and 26-30 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner believes that the claim language "monitoring the computer network to detect network conditions of network devices other than the client computer" is "new matter that is not supported in the specification." (Office Action, Dec. 8, 2006, p. 3.) Applicant respectfully disagrees. Applicant's specification states that "the server computer 154 monitors various conditions on the network 152 for a change that would indicate a need for the client computer to have new configuration settings." (Specification, 8:7-9.) Applicant's specification further states that the "management database 182 can be changed . . . automatically as a result of changes in the network 170." (Specification 20:20-22.) Applicant's specification provides an example of monitoring a condition as "a new real-time communications server might be added to the network 170. The new server computer would register itself with the management database 182 and, as a result, the SIP server program 178 would transmit a configuration document containing configuration sitting needed to use the new server computer to the client computers." (Specification 21:6-11.) This example makes it clear that the computer network is being monitored "to detect network conditions of network devices other than the client computer," such as the new server computer. As such, applicant respectfully submits that the written description requirement is satisfied because the specification "conveys to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention."

The Examiner has rejected claims under 35 USC § 103(a) as being unpatentable based on the following combination of references:

Claims	References
1-2, 4-5, 8, 15-18, 30	Turner, Hubbard
6-7, 19-20, 28-29	Turner, Hubbard, Handley
3, 26-27	Turner, Hubbard, Rosenberg

Applicant respectfully traverses these rejections.

Each claim recites that "the configuration settings of the client computer allow the client computer to engage in real-time communication over the computer network," or similar language. The Examiner relies on Turner at 7:50-58 as describing such configuration settings. As an initial point, which is discussed below in more detail, Turner does not even mention "configuration settings" or even "settings." The relied-upon portion of Turner states:

The method begins at step 60, where the application controller 28, configured for identifying executable applications, is registered with the call server 16a and/or 16e. For example, the device manager 30b makes a request for service to the call server 16a via the network interface card 56 based on a prescribed IP address identifiable by the device manager 30b. The device manager 30b then initiates the execution of local applications in step 62 as the Voice over IP telephone is powered on.

This relied-upon portion of Turner is unrelated to configuration settings and has absolutely nothing to do with configuration settings that allow a client computer "to engage in real-time communication" as recited by the claims. This relied-upon portion simply states that the device manager, which is a component of the telephone depicted in Figure 2, sends a request to a call server via a network interface card ("NIC"). This relied-upon portion assumes that communication via the network card is already enabled.

Each claim also recites "when a networked condition that requires a change in the configuration settings of the client computer is detected, . . . transmitting the new configuration settings to the client computer," or similar language. The Examiner relies on Turner 7:64-8:24, 6:65-7:27, and 2:45-57 as describing transmitting under such a condition.

Turner at 7:64-8:24 describes that a GUI controller receives application-based commands that specifies an XML document. The XML document may have tags defining a display operation, an input operation, or the manner in which a user input command should be interpreted. The result of processing the XML document is "to output in the step 78 display specific images and hardware-specific commands, respectively." This relied-upon portion has absolutely nothing to do with transmitting configuration settings for enabling a real-time communication.

Turner at 6:65-7:27 similarly describes a process for displaying GUI elements such as "menu elements, input elements, text elements, graphics elements, soft key elements, hardware light elements, speaker elements, etc." (Turner, 6:66-7:1.) Again this relied-upon portion has nothing to do with transmitting configuration settings for enabling real-time communication. Rather, it simply describes providing a GUI.

Turner at 2:47-57 describes that a telephone can receive commands from a server and the telephone may generate a display elements based on the commands. Again, this relied-upon portion has nothing to do with transmitting configuration settings for enabling real-time communication.

The Examiner recognizing this deficiency in Turner states that it "would have been obvious to one of ordinary skill in the art of time of applicant's invention to modify the system of Turner by adding the ability for the settings to include the network address of the server." (Office Action Dec. 8, 2006, p. 5.) Applicant respectfully disagrees. First, Turner does not even use the terms "configuration settings," "setting," or "settings." It is thus

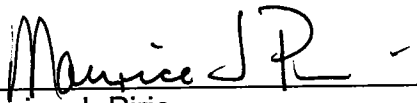
unclear what the Examiner could mean by "adding the ability for the settings." Second, even assuming, *arguendo*, that Turner suggests providing a telephone with the IP addresses of different servers, Turner neither teaches nor suggests that such IP addresses would be provided after "monitoring the computer network to detect network conditions" as recited by the claims. The server IP address could be hardcoded in the telephone or downloaded to the telephone as requested by the telephone. The Examiner is impermissibly using applicant's specification as a template suggesting how to modify Turner.

Conclusion

Based upon the above amendments and remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

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Respectfully submitted,

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